

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 94-80319  
HON. AVERN COHN

RAY MALDANADO,

Defendant.

\_\_\_\_\_ /

**ORDER DENYING MOTION TO EXPUNGE CRIMINAL RECORD**

I.

This is a criminal case which has long since closed. In 1995, defendant was convicted, following a guilty plea, of conspiracy to possess and distribute cocaine, in violation of 18 U.S.C. § 841(a)(1) and § 846. Defendant has served his term of incarceration and supervised release.

Before the Court is defendant's motion to expunge his record. For the reasons that follow, the motion will be denied.

II.

Defendant says he has been a law-abiding citizen since his release many years ago. Although the Court applauds defendant's productive life, the Court lacks authority to expunge his conviction. First, while several statutes permit expungement motions, none of them apply to defendant's case. See 18 U.S.C. § 3607(c); 21 U.S.C. § 844a(j); 5 U.S.C. § 552a(g); 42 U.S.C. § 14132(d); 10 U.S.C. § 1565(e). Moreover, the

Court of Appeals for the Sixth Circuit has recently held that in the absence of an applicable statute, a district court lacks jurisdiction to entertain an expungement motion. *See United States v. Lucido*, \_\_\_ F3d \_\_\_ (6<sup>th</sup> Cir. 2010); 2010 WL 2925100 (6<sup>th</sup> Cir. July 28, 2010). Accordingly, defendant's motion is DENIED.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: August 9, 2010

I hereby certify that a copy of the foregoing document was mailed to **Ray Maldonado 15529 Markese, Allen Park 48101** and the attorneys of record on this date, August 9, 2010, by electronic and/or ordinary mail.

S/Michael Williams  
Relief Case Manager, (313) 234-5160